v. Wiegman, 121 U. S. 609; *People v. Roberts*, 145 N. Y. 377. A manufacturing corporation may be one that merely performs work and labor, the materials being furnished by other parties. *In re Niagara Contracting Co.*, 127 Fed. 782. It is clear that a laundry company, doing only domestic work, is not a manufacturer. *In re White Star Laundry Co.*, 117 Fed. 570.

BANKS—LIABILITY TO THE LEGAL REPRESENTATIVES OF A DECEASED DEPOSITOR.—KELLEY V. BUFFALO SAV. BANK, 72 N. E. 995 (N. Y.).—Where, after the death of a depositor in a saving's bank, of which fact the bank was ignorant, his bank book was produced, and a draft presented, purporting to bear his signature, which was paid by the bank, *held*, that failure to make a physical comparison of such signature to the draft with the signature of the depositor on file in the bank, renders the bank liable for such payment, for failure to exercise due care and ordinary caution.

The officers of a savings bank are to be held to the exercise of reasonable care and diligence. *Eaves v. Peoples' S. Bank*, 27 Conn. 229; *Boone v. Citizens' S. Bank*, 84 N. Y. 83. The exercise of mere diligence will not protect the bank where it knows of the depositor's death. *Farmer v. Manhattan S. Inst.*, 60 Hun 462; *Fowler v. B. S. Bank*, 113 N. Y. 450. A rule or clause in the deposit book is part of the contract between the bank and its depositor. *White v. Bank*, 22 Pick. 183; *Wallace v. Bank*, 7 Gray 134; *Eaves v. Peoples' S. Bank, supra.* The common rule, authorizing payment on the death of a depositor to his legal representatives, is designed to protect the depositor when he no longer can protect himself, and requires the bank to employ special care to see that payment is made to the proper person. *Farmer v. M. S. Inst., Supra.*

CONSTITUTIONAL LAW—CONSTRUCTION OF VIADUCT—LIABILITY OF MUNICIPALITY TO ABUTTING OWNER.—SAUER V. CITY OF NEW YORK, 72 N. E. 579 (N. Y.).—When a statute authorizes the construction of a viaduct above the surface of a street and such construction diminishes the value of an abutting owner's property, occasioning dust and noise, impairing ingress and egress, and interrupting light and air, *held*, that the statute is not unconstitutional, the damages sustained being *damnum absque injuria.* Vann and Bartlett, J J., *dissenting.*

This decision is distinguishable from *Story v. R. Co.*, 90 N. Y. 122, where damages were allowed, on the ground that the obstructions were incompatible with, and destructive of, the use of the street as such. Under a constitutional provision prohibiting the taking of private property for public use without compensation, it is held that abutting property owners who sustain special damages from the construction of street improvements are entitled to compensation. *Pause v. Atlanta*, 98 Ga. 92; *Barrows v. Sycamore*, 150 Ill. 588. In *Rening v. R. Co.*, 128 N. Y. 157, it was said that the owner is entitled to the benefit of the street for egress and other purposes and cannot be deprived thereof without compensation. Indirect injuries, however, suffered in common with the general public, are not recoverable. *Rigney v. Chicago*, 102 Ill. 64. A diversion of public traffic from the street in front of the property is not ground for compensation, *Hobson v. Philadelphia*, 155 Pa. 131; and the construction of an elevated approach to a viaduct occupying the entire width of the street is *damnum absque injuria. Coldough v. Milwaukee*, 92 Wis. 182.

CONSTITUTIONAL LAW—INSPECTION LAWS.—TERRITORY EX REL. E. J. MCLEAN & CO. V. DENVER & R. G. R. CO., 79 PAC. 74 (NEW MEXICO.).—